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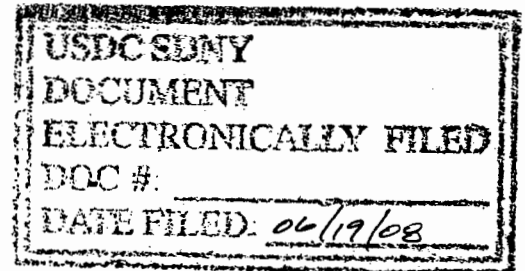
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MEMO ENDORSED

June 16, 2008

BY FAX: (212) 805-6712

Honorable Kevin N. Fox
United States Magistrate Judge
Daniel Patrick Moynihan
United States Courthouse
500 Pearl Street
New York, NY 10007



Re: Kimberly Paul v. City of New York, et al., 08 Civ. 4879 (SHS)(KNF)

Your Honor:

I am an Assistant Corporation Counsel in the office of Michael A. Cardozo, Corporation Counsel of the City of New York, representing defendant City of New York.¹ I am writing with respect to the above-referenced matter in which plaintiff alleges that on October 9, 2007, defendants falsely arrested plaintiff and subjected her to excessive force. Defendant City respectfully requests an extension of time to respond to the complaint from June 16, 2008 until August 15, 2008. I have communicated with Plaintiff's counsel, and he takes no position on this application.

¹ Defendant City also requests this extension on behalf of any individual officers without appearing on their behalf or making any representations as to the adequacy of service on them. Should the Court grant this enlargement, this office, pursuant to Section 50-k of the New York General Municipal law, and based upon a review of the facts of the case, would have time to determine whether we may represent defendant officers Hunter and Stewart in this matter. See *Mercurio v. The City of New York, et al.*, 758 F.2d 862, 864-65 (2d Cir. 1985) (quoting *Williams v. City of New York, et al.*, 64 N.Y.2d 800, 486 N.Y.S.2d 918 (1985) (decision whether to represent individual defendants is made by the Corporation Counsel as set forth in state law)).

There are several reasons for seeking an enlargement of time in this matter. In accordance with this office's obligations under Rule 11 of the Federal Rules of Civil Procedure, we need time to investigate the allegations of the complaint. Furthermore, it is our understanding that the records of the underlying criminal action, including police records, may have been sealed pursuant to New York Criminal Procedure Law § 160.50. Therefore, this office is in the process of forwarding to plaintiff for execution consent and authorizations for the release of sealed arrest and criminal prosecution records so that defendant City can access the information, properly assess the case, and respond to this complaint.

Additionally, because plaintiff has alleged injuries as a result of the alleged misconduct by defendants, this office is also in the process of forwarding to plaintiff for execution consent and authorizations for the release of medical records, limited, at this juncture, to medical records concerning treatment received as a result of the alleged incident.

No previous request for an extension has been made by defendant City in this action. Accordingly, we respectfully request that defendant City's time to answer or otherwise respond to the complaint be extended to August 15, 2008.

Thank you for your consideration herein.

6/18/08

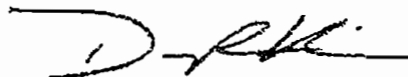
Application granted.

SO ORDERED:

Kevin Nathaniel Fox

KEVIN NATHANIEL FOX, U.S.M.J.

Respectfully submitted,



Douglas W. Heim (DH 5238)
Assistant Corporation Counsel
Special Federal Litigation Division

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